

# EXHIBIT 5

1 SUPERIOR COURT OF CALIFORNIA

2 COUNTY OF ALAMEDA

3  
4 MARLIN LEWIS EAGLES and  
GEORGIA EAGLES,

Case No. 22CV018294

5  
6 Plaintiffs,

7  
8 vs.

9  
10 ARVINMERITOR, INC., et al.,

11  
12 Defendants.

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13 VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF

14 WILLIAM LONGO, PH.D.

15 Suwanee, Georgia

16 Monday, October 23, 2023

17 Volume 2

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20  
21 Reported by:

LESLIE JOHNSON

22 RPR, CCRR, CSR No. 11451

23 Job No.: 6167398


24 PAGES 166 - 281

25

Page 166

<p>1 SUPERIOR COURT OF CALIFORNIA</p> <p>2 COUNTY OF ALAMEDA</p> <p>3</p> <p>4 MARLIN LEWIS EAGLES and Case No. 22CV018294</p> <p>5 GEORGIA EAGLES,</p> <p>6</p> <p>7 Plaintiffs,</p> <p>8</p> <p>9 vs.</p> <p>10</p> <p>11 ARVINMERITOR, INC., et al.,</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17 Defendants.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF</p> <p>WILLIAM LONGO, PH.D., Volume 2, taken on behalf of</p> <p>Defendants, at Suwanee, Georgia, beginning at 10:36 a.m.</p> <p>and ending at 1:29 p.m. (EDT) on Monday, October 23,</p> <p>2023, before LESLIE JOHNSON, Certified Shorthand Reporter</p> <p>No. 11451.</p> <p>Page 167</p>	<p>1 APPEARANCES (Cont.):</p> <p>2</p> <p>3 For Defendants Johnson &amp; Johnson and LTL:</p> <p>4 BUTLER SNOW</p> <p>5 BY: KIM BUENO, ESQ.</p> <p>6 CHRISTOPHER R. COWAN, ESQ.</p> <p>7 1400 Lavaca Street, Suite 1000</p> <p>8 Austin, Texas 78701</p> <p>9 (737)802-1820</p> <p>10 kim.bueno@butlersnow.com</p> <p>11 chris.cowan@butlersnow.com</p> <p>12 For Defendants Johnson &amp; Johnson and LTL:</p> <p>13 KING &amp; SPALDING LLP</p> <p>14 BY: MORTON DUBIN II, ESQ.</p> <p>15 JACOB KEESTER, ESQ.</p> <p>16 SHAIRA RAHMAN DIMAN, ESQ.</p> <p>17 1185 Avenue of the Americas, 34th Floor</p> <p>18 New York, New York 10036</p> <p>19 (212)556-2100</p> <p>20 mdubin@kslaw.com</p> <p>21 jkeester@kslaw.com</p> <p>22 sdiwan@kslaw.com</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 169</p>
<p>1 APPEARANCES:</p> <p>2</p> <p>3 For Plaintiffs:</p> <p>4 KAZAN, McCLAIN, SATTERLEY &amp; GREENWOOD</p> <p>5 BY: JOSEPH D. SATTERLEY, ESQ.</p> <p>6 Jack London Market</p> <p>7 55 Harrison Street, Suite 400</p> <p>8 Oakland, California 94607</p> <p>9 (510)302-1000</p> <p>10 jsatterley@kazanlaw.com</p> <p>11 For Defendant Lucky Stores; Save Mart, LLC; Safeway, Inc.;</p> <p>and Longs Drugstores California, LLC on behalf of Longs</p> <p>12 Drugstores California, Inc.:</p> <p>13 BARNES &amp; THORNBURG LLP</p> <p>14 BY: KEVIN RISING, ESQ.</p> <p>15 2029 Century Park East, Suite 300</p> <p>16 Los Angeles, California 90067</p> <p>17 (310)284-3880</p> <p>18 kevin.rising@btlaw.com</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 168</p>	<p>1 APPEARANCES (Cont.):</p> <p>2</p> <p>3 For Defendant Perrigo Company of Tennessee f/k/a</p> <p>Cumberland-Swan and CMC, Inc.:</p> <p>4</p> <p>5 POLSINELLI LLP</p> <p>6 BY: MATTHEW S. O'BRIEN, ESQ.</p> <p>7 2049 Century Park East, Suite 2900</p> <p>8 Los Angeles, California 90067</p> <p>9 (310)556-1801</p> <p>10 mobrien@polsinelli.com</p> <p>11 - and -</p> <p>12</p> <p>13 GOODELL, DEVRIES, LEECH &amp; DANN, LLP</p> <p>14 BY: JEFFREY J. HINES, ESQ.</p> <p>15 One South Street, 20th Floor</p> <p>16 Baltimore, Maryland 21202</p> <p>17 (410)783-4041</p> <p>18 jjh@gdldlaw.com</p> <p>19 Also Present:</p> <p>20 KIMBERLEE DECKER, Videographer</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 170</p>

1 Valadez report. 01:08:23	1 are -- they've got a darker brown. But this is not 01:12:31
2 MR. DUBIN: And, Jake, that's Tab 55, if	2 the only thing -- this is not the -- the only thing
3 we want to call it out.	3 we're using to identify this, one that has to be
4 MR. SATTERLEY: Exhibit 30?	4 fibrous. If you go to the elongation where we have
5 MR. DUBIN: That will be Exhibit 30. 01:08:36	5 it in the 530-nanometer, you can get a better look 01:12:47
6 (Exhibit 30 marked for identification.)	6 at the structure of this as compared to everything
7 MR. DUBIN: And, if we can go to page 32.	7 else. And typically, talc plates don't show up very
8 Sorry. Is this the Valadez report, Jake,	8 well in the one -- in the elongation, you know, in
9 Tab 55? And then page 32? It should have images.	9 this -- in the single polar elongation, our
10 MR. KEESTER: Is it this one? 01:09:23	10 cross-polars at the -- essentially at the 45-degree 01:13:12
11 MR. DUBIN: Yeah. Let's rotate it.	11 angle. You kind of focused in here, but this is not
12 BY MR. DUBIN:	12 the only data that we use to make an identification.
13 Q So I asked you about this particle before,	13 Q Okay. We'll get back to that. I guess --
14 and I think you -- well, let me just ask you. What	14 let me just back up for a second.
15 color were you calling this? 01:09:46	15 Has your laboratory -- prior to your 01:13:38
16 A A brownish-gold I guess. More on the	16 becoming involved in talc litigation, has your
17 brownish side, brownish-gold, which what we're	17 laboratory done any PLM work for Calidria?
18 seeing in the 1.560.	18 THE REPORTER: For what?
19 Q So this is M71614-001CSM-001 chrysotile.	19 MR. DUBIN: Calidria, C-A-L-I-D-R-I-A.
20 Okay? 01:10:04	20 We can take this down, Jake? 01:14:05
21 MR. DUBIN: And let's go to page 37 above	21 THE WITNESS: The only one we've done
22 this. Scroll down because it should have the	22 would have been the -- some kind of -- you know,
23 correct image. Let's go down. Okay. Let's flip	23 some exposure studies with Calidria. And I think it
24 that. Scroll that down.	24 was the RG144 that was purchased by the plaintiffs
25 ////	25 attorney sometime -- no, that was -- strike that. 01:14:27
Page 263	Page 265
1 BY MR. DUBIN: 01:10:35	1 With RG144 or 145 when Mr. Hatfield wrote 01:14:30
2 Q And we're looking at M71614-001-CSM-002.	2 to -- not to Union Carbide, but to -- I think it was
3 What color are you observing in that structure?	3 RCAC or something like that who bought it out. We
4 What color are you calling it for purposes of the	4 got 5 pounds of material. I'm not sure we did any
5 RI? 01:10:49	5 PLM on it until we got involved in this, when we 01:14:51
6 A For the brownish part there, sort of a	6 thought it might be a -- might be a -- because of
7 brownish-gold I would call it. Let's see. 1.565.	7 the sharp fibers, might be sort of a standard.
8 That's pretty close to what I would say it is.	8 BY MR. DUBIN:
9 Q Okay. And if we go to page 42.	9 Q Do you know what Visbestos or Super
10 And, if we go to page 42 and scroll down. 01:11:16	10 Visbestos are? 01:15:04
11 Let's flip that. What color are you observing here	11 A Super Asbestos?
12 for purposes of the RI calculation?	12 Q Super Visbestos or Visbestos?
13 A That's higher -- that's a lower -- that's	13 A I'm not sure.
14 a lower wavelength than what we've been looking at,	14 Q You don't recognize it as the name of a
15 but it's going to be a higher refractive indices. 01:11:43	15 drilling mod that was composed of Calidria asbestos? 01:15:23
16 So I would probably call that -- I might get closer	16 A Oh, we've analyzed that in the past.
17 to 1.570 than 1.568. You do have some red in there	17 Q So let's just mark that as the next in
18 around the edge that I don't see in some of the	18 order. I guess that's 31.
19 other particulates. So I would call it a little bit	19 MR. SATTERLEY: What did you call it
20 lower. Primarily, what you're seeing is yellow, 01:12:07	20 Visbestos? 01:15:38
21 yellow-gold.	21 MR. DUBIN: V-I-S-B-E-S-T-O-S.
22 Q Okay. And how is that the color that's	22 THE WITNESS: Oh, I misunderstood. I
23 distinct in your mind from the talc plates that	23 thought you were calling it "super-asbestos."
24 we're observing on this image?	24 (Exhibit 31 marked for identification.)
25 A Well, I would say most of the talc plates 01:12:28	25 ////
Page 264	Page 266

<p>1 if we need to. We already marked that. It was 01:27:20  2 Exhibit 32.  3 So you see it has project numbers?  4 A M62609. Did I get that correct?  5 Q 52609. 01:27:34  6 A 52609. Okay.  7 Q Okay. And that's something that's  8 searchable at MAS, right?  9 A Yes.  10 Q Okay. And you said you don't have the 01:27:43  11 samples because Union Carbide demanded them back.  12 So did you get these directly from Union  13 Carbide?  14 A Yes. I think Chatfield or somebody  15 brought it in. These were not materials that we 01:28:03  16 had.  17 Q Are you talking about the --  18 A I'd have to look at the whole report. You  19 know, we're talking, what, 10, 12, 13 years ago --  20 12 years ago. I'd have to look at the report. But 01:28:16  21 I don't think we were able to keep these as -- as  22 samples.  23 Q Did MAS ever take the NIST proficiency  24 testing that related to Calidria?  25 A Yeah, you've asked that a few times. I 01:28:37  Page 275</p>	<p>1 DECLARATION UNDER PENALTY OF PERJURY  2  3 I, WILLIAM LONGO, Ph.D., the witness herein, declare  4 under penalty of perjury that I have read the foregoing in  5 its entirety; and that the testimony contained therein, as  6 corrected by me, is a true and accurate transcription of  7 my testimony elicited at said time and place.  8  9 Executed this ____ day of _____ 2023, at  10 _____,  11 (City) (State)  12  13  14  15  16  17 WILLIAM LONGO, Ph.D.  18  19  20  21  22  23  24  25  Page 277</p>
<p>1 don't know. I don't think -- I looked up for it 01:28:40  2 once and was -- and couldn't find it, so I don't  3 know.  4 Q Okay. Have you --  5 A If you looked through your FOIA -- FOIA 01:28:52  6 demand from NVLAP. And if it wasn't in there, I  7 don't know where it is.  8 Q Okay. So have you seen the 2000 -- have  9 you seen the NIST proficiency test, the summaries,  10 for Calidria? 01:29:14  11 A I haven't seen what they stated. I saw  12 what Chatfield stated, that, you know, a number of  13 labs failed.  14 Q Okay. Well, we're out of time. Maybe  15 we'll start there next time. Okay. It's 1:30, I 01:29:33  16 guess.  17 A All right. Have a good afternoon,  18 Mr. Dubin.  19 THE VIDEOGRAPHER: Off the record,  20 1:29 p.m. This concludes today's testimony given by 01:29:42  21 William Longo, Ph.D. Total number of media units  22 used was three and will be retained by Veritext  23 Legal Solutions.  24 (TIME NOTED: 1:29 P.M.)  25  Page 276</p>	<p>1 REPORTER'S CERTIFICATION  2  3 I, Leslie Johnson, a Certified Shorthand  4 Reporter of the State of California, do hereby certify:  5 That the foregoing proceedings were taken  6 before me at the time and place herein set forth; that  7 any witnesses in the foregoing proceedings, prior to  8 testifying, were administered an oath; that a record of  9 the proceedings was made by me using machine shorthand  10 which was thereafter transcribed under my direction;  11 that the foregoing transcript is a true record of the  12 testimony given.  13 Further, that if the foregoing pertains to  14 the original transcript of a deposition in a Federal  15 Case, before completion of the proceedings, review  16 of the transcript [ ] was [ ] was not requested.  17 I further certify I am neither financially interested in  18 the action nor a relative or employee of any attorney or  19 any party to this action.  20 IN WITNESS WHEREOF, I have this date  21 subscribed my name.  22 Dated: October 24, 2023  23  24  25    24 LESLIE JOHNSON  25 CSR No. 11451, RPR, CCRR  Page 278</p>